

OPINIONS OF DEFENSE EXPERT BRIAN BATTERTON (OCTOBER 2014)

22. "...that Trooper Enzor's initial stop of Mrs. Newkirk for speeding was consistent with proper law enforcement practice in that the trooper had probable cause..."
23. "...that Trooper Enzor did not act contrary to proper law enforcement practice when he told Mrs. Newkirk to exit the vehicle so he could further explain the citation..."
24. "...that another reasonable officer in Trooper Enzor's position could have believe that, when she exited the vehicle so he could explain the citation and she stated "no" and turned back toward the driver's door of the vehicle, that she was refusing to comply... - ...no evidence to suggest that Trooper Enzor initially handed Mrs. Newkirk the citation and then took it back..."
- "...that another reasonable officer in the same situation could have believed that Mrs. Newkirk refused to accept the citation."
25. "...the facts were sufficient to cause a reasonable officer in the same situation to believe that probable cause existed to arrest Mrs. Newkirk for a violation of §16-9-320(A) (oppose/resist arrest).
26. "...that Trooper Enzor used force in accordance with generally accepted proper law enforcement procedures during the arrest of Mrs. Newkirk."
- "...opinion that Mrs. Newkirk was actively resisting Trooper Enzor's attempt to arrest her by using her strength to prevent him from gaining control..."
- "...it is my opinion that Trooper Enzor's use of force in only using soft empty hand control tactics (no strikes or intermediate weapons were used...was in accordance with generally accepted proper law enforcement practice."
27. "...that Trooper Enzor and Trooper Lee acted in accordance with generally accepted police practice in their handling of Mrs. Newkirk when she refused to enter the vehicle..."
28. "...that (facts described and video) were sufficient to cause a reasonable officer in the same situation to believe that probable cause existed to arrest Mr. Newkirk for §16-5-50 (hindering or rescuing prisoners).
- "...it is my opinion that Trooper Enzor acted in accordance with generally accepted law enforcement practice in his decision to arrest Mr. Newkirk."